

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. ____
	§	
\$532,812.83 U.S. CURRENCY SEIZED	§	
FROM SUN TRUST ACCOUNT 5018,	§	
Defendant.	§	

VERIFIED COMPLAINT FOR CIVIL FORFEITURE  
IN REM AND NOTICE TO POTENTIAL CLAIMANTS

The United States of America, Plaintiff, files this action for forfeiture *in rem* against \$532,812.83 U.S. Currency and alleges upon information and belief the following:

JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.
2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355(b), 1391(b)(2), and 1395.

DEFENDANT PROPERTY SUBJECT TO FORFEITURE

3. The Defendant Property is \$532,812.83 in U.S. Currency seized on or about August 6, 2019, from SunTrust Bank, with an account number ending in 5018, and held in the name of A&A Transport, LLC (the “Defendant Property”). The United States alleges that the Defendant Property constitutes the proceeds of wire fraud.

STATUTORY BASIS AND NATURE OF ACTION

4. This civil action *in rem* is brought to enforce the provisions of 18 U.S.C. § 981(a)(1)(C), which provides for the forfeiture of any property, real or personal, which

constitutes or is derived from proceeds traceable to any offense constituting “specified unlawful activity” (as defined in 18 U.S.C. § 1956(c)(7)), or a conspiracy to commit such offense. Title 18 U.S.C. § 1343 (wire fraud) is “specified unlawful activity” pursuant to 18 U.S.C. §1956(c)(7). A conspiracy to commit wire fraud is a violation of 18 U.S.C. § 1349.

### FACTS

5. In one variety of a business email compromise fraud, the perpetrator of the fraud hacks the email of a victim company or otherwise gets inside information, such as a vendor invoice. The perpetrator spoofs the official business email address of an officer of the victim company, then uses that email to convince the employee to wire transfer corporate funds to a fraudulent account that the employee believes is a legitimate vendor account for a legitimate business transaction.

6. In this case, the perpetrators deceived employees of two victim companies into believing they were corresponding with corporate officers by email. The supposed corporate officer directed the employees to wire money to an account at SunTrust Bank with an account number ending in 5018 (“SunTrust Bank Account 5018”).

7. Victim 1 is a company headquartered in Dickinson, Texas, which is within the Southern District of Texas. On or about July 12, 2019, Victim 1’s office manager received an email from what appeared to be the business email address for Victim 1’s CEO. It was not. The fraudulent email attached an intercepted invoice from a legitimate company to Victim 1. The fraudulent email directed that payment be made to SunTrust Bank Account 5018, which was an account controlled by the perpetrators. A wire transfer to SunTrust Bank Account 5018 of

\$57,096.46 was completed on or about July 15, 2019. Victim 1 also made wire transfers to other bank accounts as a result of fraudulent emails.

8. Victim 2 is a company in Carlsbad, California. On or about July 12, 2019, Victim 2's controller received an email from what appeared to be the business email address for Victim 2's CFO. It was not. The fraudulent email contained a false invoice for services and directed the controller to wire payment of \$475,716.37 to SunTrust Bank Account 5018, which was an account controlled by the perpetrators.

9. The victim companies made the following wire transfers as a result of the fraudulent emails:

<b>Date Completed</b>	<b>Financial Transaction</b>	<b>Amount Transferred</b>
7/15/2019	Wire transfer from Victim 1 to SunTrust Bank Account x5018	\$57,096.46
7/15/2019	Wire transfer from Victim 2 to SunTrust Bank Account x5018	\$475,716.37
	Total	\$532,812.83

10. Funds in the total amount of \$532,812.83 were seized on or about August 6, 2019, from SunTrust Bank Account x5018, held in the name of A&A Transport LLC. There is reason to believe the seized funds constitute wire fraud proceeds and are subject to forfeiture pursuant to 18 U.S.C. §981(a)(1)(C).

CONCLUSION

11. Under the totality of the circumstances, it is believed that the Defendant Property is subject to forfeiture under 18 U.S.C. § 981(a)(1)(C) as property which constitutes or is derived from proceeds traceable to specified unlawful activity, including wire fraud.

NOTICE TO ANY POTENTIAL CLAIMANTS

YOU ARE HEREBY NOTIFIED that if you assert an interest in the Defendant Property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. A verified claim must be filed no later than thirty-five (35) days from the date this Complaint has been sent.

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas either electronically or at the United States Courthouse, 515 Rusk Avenue, Houston, Texas 77002. A copy must be served upon the undersigned Assistant United States Attorney at the United States Attorney's Office, 1000 Louisiana, Suite 2300, Houston, Texas 77002.

REQUESTED RELIEF

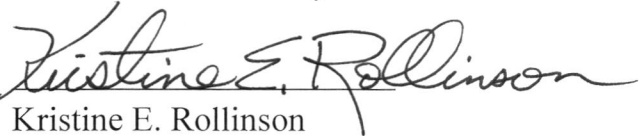
The United States will serve notice, along with a copy of the Complaint, on any person who reasonably appears to be a potential claimant in this matter. The United States seeks a final judgment forfeiting the Defendant Property to the United States and any other relief to which it may be entitled.

Respectfully submitted,

RYAN K. PATRICK

United States Attorney

By:

A handwritten signature in cursive script, appearing to read "Kristine E. Rollinson", written over a horizontal line.

Kristine E. Rollinson

SDTX Federal No. 16785

Assistant United States Attorney

1000 Louisiana, Suite 2300

Houston, Texas 77002

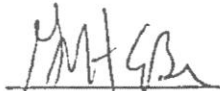
Telephone (713) 567-9000



### Verification

I, Glen Erickson Bell, a Senior Special Agent with the United States Secret Service, declare under the penalty of perjury, as provided by 28 U.S.C. § 1746, that I have read the foregoing Verified Complaint for Civil Forfeiture In Rem and Notice to Potential Claimants, and that the facts stated in paragraphs 3 and 5 through 11 of the Complaint are based upon my personal knowledge, upon information obtained from other law enforcement personnel, or upon information I obtained in the course of my investigation. Those facts are true and correct to the best of my knowledge and belief.

Executed on the 3<sup>rd</sup> day of October 2019.

  
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SSA Glen Erickson Bell  
Senior Special Agent  
United States Secret Service